

## Message Text

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PAGE 01 STATE 070020  
ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 IO-13 SSO-00 INRE-00 USIE-00  
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/073 R

DRAFTED BY L/UNA:AKRECZKO:SIS  
APPROVED BY IO:GADALLEY  
L:SMSCHWEBEL(SUBS.)  
IO/UNESCO:RFORSTER  
IO/UNESCO:SWARVARIN (SUBS.)  
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FM SECSTATE WASHDC  
TO AMEMBASSY PARIS IMMEDIATE

C O N F I D E N T I A L STATE 070020

E.O. 11652: GDS

TAGS: AORG, OCON, UNESCO

REF: PARIS 9273

SUBJECT: UNESCO: ARAB AMENDMENTS TO DRAFT DECLARATION  
ON RACE

1. HERewith ARE DEPARTMENT'S COMMENTS ON ALGERIA-LIBYA  
AMENDMENTS TRANSMITTED REFTel.
2. DEPARTMENT DOES NOT FAVOR AMENDMENT SUGGESTED TO  
ARTICLE 8, PARAGRAPH 1. IMPLICATION OF AMENDMENT IS THAT  
PRESENT INTERNATIONAL LEGAL ORDER DOES NOT AFFIRM THE  
RIGHT OF INDIVIDUALS TO EXERCISE THEIR CAPABILITIES ON THE  
BASIS OF EQUALITY OF RIGHTS AND OPPORTUNITIES. UN CHARTER,  
UNIVERSAL DECLARATION ON HUMAN RIGHTS AND CONVENTION ON  
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PAGE 02 STATE 070020

ELIMINATION OF DISCRIMINATION ALL AFFIRM THIS PRINCIPLE.  
MOREOVER, DEPARTMENT DOES NOT FAVOR THE PROLIFERATION OF  
LOOSE LANGUAGE REFERRING TO RIGHT TO NEW ORDERS IN  
DIFFERENT FIELDS.

3. RE AMENDMENT TO PARAGRAPH 1, ARTICLE 9, DEPARTMENT  
AGREES THAT, IN PRINCIPLE, PERPETRATORS OF INTERNATIONAL

CRIMES SHOULD BE INDICTED AND BROUGHT TO TRIAL, WITH ADEQUATE SAFEGUARDS. HOWEVER, AS DEL AWARE, DEPARTMENT CANNOT ACCEPT PRESENT WORDING OF ARTICLE 9, AND ADDITION OF THIS AMENDMENT, WITH ITS IMPLICATION THAT DISCRIMINATION SHOULD BE AN INTERNATIONAL CRIME, MAKES THAT PARAGRAPH EVEN MORE UNACCEPTABLE.

4. RE AMENDMENT TO PARAGRAPH 1 OF ARTICLE 9, USDEL SHOULD OPPOSE ENDORSEMENT OF AN INTERNATIONAL CRIMINAL COURT. FIRST, DEPARTMENT DOES NOT BELIEVE THAT QUESTION OF COMPLEXITY OF INTERNATIONAL COURT SHOULD BE ADDRESSED IN THIS DOCUMENT. SECOND, WORDS "FOR THIS PURPOSE" SUGGEST THAT DISCRIMINATION CASES SHOULD BE BROUGHT TO AN INTERNATIONAL CRIMINAL TRIBUNAL; DEPARTMENT DOES NOT AGREE THAT ALL ACTS OF DISCRIMINATION DESERVE INTERNATIONAL ATTENTION OR EVEN DESIGNATION AS CRIMINAL ACTS. MOREOVER, IF THERE WERE AN INTERNATIONAL CRIMINAL COURT DEALING WITH VIOLATIONS OF HUMAN RIGHTS, WE THINK THAT ITS MANDATE SHOULD GO BEYOND DISCRIMINATION TO EMBRACE ACTS LIKE TERRORISM. ANOTHER REASON FOR OUR CAUTION ON AN INTERNATIONAL CRIMINAL COURT IS UNFAVORABLE VIBRATIONS IT MAY PRODUCE IN SENATE TREATMENT OF GENOCIDE CONVENTION. AS ALTERNATIVE, PRELIMINARY RESOLUTION WHICH WILL BE RECOMMENDED FOR ADOPTION BY UNESCO GENERAL CONFERENCE MIGHT SUGGEST THAT APPROPRIATE UN BODY BE ASKED TO STUDY THE QUESTION OF AN INTERNATIONAL CRIMINAL COURT.

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PAGE 03 STATE 070020

5. PROPOSAL TO MAKE PRESENT FIRST SENTENCE OF ARTICLE 9, PARAGRAPH 2 INTO SEPARATE PARAGRAPH IS ACCEPTABLE.

6. PROPOSAL WHICH WOULD BECOME PARAGRAPH 4 OF ARTICLE 9 IS ACCEPTABLE WITH EXCEPTION OF REFERENCE TO "MEMBERS OF THE POPULATION IN GENERAL," SINCE US LAW DOES NOT NOW PROSCRIBE ALL INDIVIDUAL ACTS OF RACIAL DISCRIMINATION. ON OTHER HAND, US CERTAINLY DOES NOT CONDONE SUCH ACTS, AND WE CAN ACCEPT LANGUAGE ON THIS POINT WHICH INDICATES THAT INDIVIDUALS HAVE A MORAL OBLIGATION NOT TO DISCRIMINATE. DEL MIGHT SUGGEST THAT THIS QUESTION BE DEALT WITH IN ARTICLE 8. VANCE

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## Message Attributes

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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014